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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/594,054
Filing Date: June 14, 2000
Appellant(s): KAPLAN ET AL.

Brian J. Gustafson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/12/2009 appealing from the Office action mailed 08/23/2005.

1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

- The examiner acknowledges the "Order Returning Undocked Appeal to Examiner" paper, dated 01/06/2009, because of the appellant's proposed amendment filed on 05/24/2007 was not acknowledged and/or considered by the examiner. However, the appellant's proposed amendment filed on 05/24/2007 was mistakenly scanned and entered in the record by mistake; the issue has been corrected (see Order Returning Undocked Appeal To Examiner date 01/06/2009 pages 2 to 3).

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US006085226A	Horvitz	filed 01/15/1998
US006560640B2	Smethers	filed 01/22/1999
US006313855B1	Shuping et al.	filed 02/04/2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-6, 8-11, 13-24 and 26-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz-US006085226A – filed 01/15/1998 (hereinafter Horvitz), in view of Smethers US006560640B2 – 01/22/1999 (hereinafter Smethers).

As to independent claim 1, receiving a first user input on a client device bookmarking a remote destination displayed on the client device (Horvitz at col. 7, line 60 through col. 8, line 10, discloses a network connection between client computer and server computer, wherein user selecting amongst a stored list of addresses, i.e. so-called “bookmarks” to access a particular URL to retrieve a webpage from an external server) Examiner reads the above in the broadest reasonable interpretation of the claim limitations, wherein a first user would be an obvious variant of a user, and book marking a remote destination would be an obvious variant of a stored list of addresses, i.e. so-called “bookmarks” to access a particular URL to retrieve a webpage from an external server to a person of ordinary skill in the art at the time the invention was made, **in response to the first user input, storing a link to the destination and a link to a remote bookmark media object associated with the destination on the client**

device (Horvitz at col. 7, line 60 through col. 8, line 10, discloses a networked connection between client computer and server computer, wherein user selecting amongst a stored list of addresses, i.e. so-called "bookmarks" to access a particular URL to retrieve a webpage from an external server) Examiner reads the above in the broadest reasonable interpretation of the claim limitations, wherein a first user would be an obvious variant of a user, and bookmarking a remote destination would be an obvious variant of a stored list of addresses, i.e. so-called "bookmarks" to access a particular URL to retrieve a webpage from an external server to a person of ordinary skill in the art at the time the invention was made, **receiving a second user input on the client device requesting a display of a bookmark window** (Horvitz at col. 7, line 60 through col. 8, line 10, discloses a networked connection between client computer and server computer, wherein user selecting amongst a stored list of addresses, i.e. so-called "bookmarks" to access a particular URL to retrieve a webpage from an external server) Examiner reads the above in the broadest reasonable interpretation of the claim limitations, a second user would be an obvious variant of a user, and bookmarking a remote destination would be an obvious variant of a stored list of addresses, i.e. so-called "bookmarks" to access a particular URL to retrieve a webpage from an external server to a person of ordinary skill in the art at the time the invention was made, **in response to the second user input display a bookmark window** (Horvitz at col. 7, line 60 through col. 8, line 10, discloses a networked connection between client computer and server computer, wherein user selecting amongst a stored list of addresses, i.e. so-called "bookmarks" to access a particular URL to retrieve a webpage

from an external server), **receiving a third user input on the client device, and in response to the third user input, accessing the destination** (Horvitz at col. 7, line 60 through col. 8, line 10, discloses a networked connection between client computer and server computer, wherein user selecting amongst a stored list of addresses, i.e. so-called "bookmarks" to access a particular URL to retrieve a webpage from an external server) Examiner reads the above in the broadest reasonable interpretation of the claim limitations, wherein a third user would be an obvious variant of a user, and accessing the destination would be an obvious variant of accessing a particular URL to retrieve a webpage from an external server to a person of ordinary skill in the art at the time the invention was made,

Horvitz does not explicitly teach, **storing a link to the destination**, however (Smethers at col. 14, line 35-40, also see Fig. 8, discloses an improved remote bookmarking for wireless client devices, wherein a URL associated with the compact bookmark identifier is obtained at (block 806); the remote server (translation server) stores a table for each subscriber supported by the airnet system. These tables store the URLs as associated with the subscriber's bookmarks as utilized on their wireless client devices), **retrieving the remote associated bookmark media object, including in the display of a bookmark window, a bookmark for the destination, and the retrieved remote associated bookmark media object the retrieved remote associated bookmark media object providing a representation of the destination**, however (Smethers at col. 14, line 34-60, also see Fig. 8-9, discloses an improved remote bookmarking for wireless client devices, wherein receiving the compact request,

extract the bookmark ID, obtaining URL associated with the compact bookmark identifier, prepare request and send to server, wherein the intermediate server will act as a network gateway or a proxy server for the wireless client device forward response, including the selected bookmark document bank to the wireless client devices, also Smethers at col. 11, line 56 through col. 12, line 31, also see Fig. 2-4, show the screen shots of the detail bookmark manager, wherein each user or subscriber to wireless network service can be given a personal home page which they can visit to access Keyboard Bookmark Manager for customization), **selecting the remote associated bookmark media object displayed in the bookmark window**, however (Smethers at col. 11, line 56 through col. 12, line 31, also see Fig. 2-4, show the screen hot of the detail bookmark manager, wherein each user or subscriber to wireless network service can be given a personal home page which they can visit to access Keyboard Bookmark Manager for customization,(e.g. create, modify or delete) bookmarks for a wireless client device).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Horvitz, discloses user input on a client device bookmaking a remote destination displayed on the client device, to include a means of storing a link to the destination, retrieving the remote associated bookmark media object, including in the display of a bookmark window, a bookmark for the destination, and the retrieved remote associated bookmark media object the retrieved remote associated bookmark media object providing a representation of the destination, and

selecting the remote associated bookmark media object displayed in the bookmark window of Smethers . One of ordinary skill in the art would have been motivated to modify this combination to provide a web browser executing method, that can process page requests using processing and networking capacity, available during intervals of relatively low activity, such as, e.g. idle CPU or network capacity, that would otherwise be wasted, or for allocating varying amounts of networking resources away from downloading and display of components of a requested URL and in favor of downloading content associated with potential future URL requests. Advantageously, use of such a technique is likely to significantly increase the rate at which pages are typically displayed to a user, thus reducing user frustration and increasing user satisfaction (as taught by Horvitz at col. 3, lines 30-50).

In regard to independent claims 13, 22, 31 and 40, incorporate substantially similar subject matter as cited in claim 1 above, and are similarly rejected along the same rationale.

In regard to dependent claims 2, 3, 5, 21, 23, 24 and 38-39, incorporate substantially similar subject matter as cited in claim 1 above, and are similarly rejected along the same rationale.

In regard to dependent claim 6, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected

along the same rationale, **wherein presenting the bookmark media objects comprises displaying at least one thumbnail**, however (as taught by Smethers at col. 7, lines 15-30, i.e. iconic screen).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Horvitz, discloses user input on a client device bookmarking a remote destination displayed on the client device, to include a means presenting the bookmark media objects comprises displaying at least one thumbnail of Smethers. One of ordinary skill in the art would have been motivated to modify this combination to provide a web browser executing method, that can process page requests using processing and networking capacity, available during intervals of relatively low activity, such as, e.g. idle CPU or network capacity, that would otherwise be wasted, or for allocating varying amounts of networking resources away from downloading and display of components of a requested URL and in favor of downloading content associated with potential future URL requests. Advantageously, use of such a technique is likely to significantly increase the rate at which pages are typically displayed to a user, thus reducing user frustration and increasing user satisfaction (as taught by Horvitz at col. 3, lines 30-50).

In regard to dependent claim 8, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected

along the same rationale, **displaying a stream of video** as taught by Horvitz at col. 32, lines 55-65).

In regard to dependent claim 9, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale, **outputting audible sounds** (as taught by Horvitz at col. 32, lines 55-65).

In regard to dependent claim 10, determine the status of the bookmark media and presenting a default bookmark media object when the status indicates the corresponding bookmark media object is not available (as taught by Horvitz at col. 34, lines 12-25), discloses a browser, where can utilize a predefined web page utility function as a default that provide a user with a limited ability to modify any linear piece-wise or other portion of the utility function, such as by increasing or decreasing a relative weighting of that portion, e.g., the portion associated with text, over another portion of the function, e.g., that associated with graphics and/or any other web page component.

As to dependent claim 11, incorporate substantially similar subject matter as cited in claim 1 above, and is similarly rejected along the same rationale.

As to dependent claim 14, incorporate substantially similar subject matter as cited in claim 1 above, and in further view of the following, and is similarly rejected along the same rationale, **wherein updating each bookmark media object comprises, updating each bookmark media object as a function of current state of the corresponding to a network destination** (as taught by Horvitz at col. 8, line 66 through col.9, line 22, discloses successive web pages are selected by the user and displayed, the user model is updated through consideration of the current page; thereafter, new pages may be prefetched and so on).

As to dependent claims 15, 16 and 17, incorporate substantially similar subject matter as cited in claims 1 and 14 above and are similarly rejected along the same rationale.

As to dependent claims 18, 19 and 20 consecutively, incorporate substantially similar subject matter as cited in claims 6, 8 and 9 above consecutively, and are similarly rejected along the same rationale.

As to dependent claims 26, 27 and 28 consecutively, incorporate substantially similar subject matter as cited in claims 6, 8 and 9 above consecutively, and are similarly rejected along the same rationale.

As to dependent claims 29 and 30, incorporate substantially similar subject matter as cited in claim 10 above consecutively, and are similarly rejected along the same rationale.

As to dependent claims 32, 33 and 34 consecutively, incorporate substantially similar subject matter as cited in claims 6, 8 and 9 above consecutively, and are similarly rejected along the same rationale.

As to dependent claim 35, a client device configured to store references to the bookmark media objects on the web server, however (Smethers at col. 14, line 35-40, also see Fig. 8, discloses an improved remote bookmarking for wireless client devices, wherein a URL associated with the compact bookmark identifier is obtained at (block 806); the remote server (translation server) stores a table for each subscriber supported by the airnet system. These tables store the URLs as associated with the subscriber's bookmarks as utilized on their wireless client devices).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Horvitz, discloses user input on a client device bookmarking a remote destination displayed on the client device, to include a means a client device configured to store references to the bookmark media objects on the web server of Smethers. One of ordinary skill in the art would have been motivated to modify this combination to provide a web browser executing method, that can process page

requests using processing and networking capacity, available during intervals of relatively low activity, such as, e.g. idle CPU or network capacity, that would otherwise be wasted, or for allocating varying amounts of networking resources away from downloading and display of components of a requested URL and in favor of downloading content associated with potential future URL requests. Advantageously, use of such a technique is likely to significantly increase the rate at which pages are typically displayed to a user, thus reducing user frustration and increasing user satisfaction (as taught by Horvitz at col. 3, lines 30-50).

As to dependent claim 36, incorporate substantially similar subject matter as cited in claim 14 above consecutively, and is similarly rejected along the same rationale.

As to dependent claim 37, incorporate substantially similar subject matter as cited in claim 15 above consecutively, and is similarly rejected along the same rationale.

As to dependent claim 41, incorporate substantially similar subject matter as cited in claim 14 above consecutively, and is similarly rejected along the same rationale.

As to dependent claim 42, incorporate substantially similar subject matter as cited in claim 16 above consecutively, and are similarly rejected along the same rationale.

As to dependent claim 43, incorporate substantially similar subject matter as cited in claim 17 above consecutively, and is similarly rejected along the same rationale.

As to independent claim 44, incorporate substantially similar subject matter as cited in claim 6 above consecutively, and is similarly rejected along the same rationale.

As to dependent claims 45, 46 consecutively, incorporate substantially similar subject matter as cited in claims 19-20 above consecutively, and are similarly rejected along the same rationale.

Claims 4, 7, 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz-US006085226A – filed 01/15/1998 (hereinafter Horvitz), in view of Smethers US006560640B2 – 01/22/1999 (hereinafter Smethers), further in view of Shuping et al - US006313855B1 – 02/04/2000 (hereinafter Shuping).

In regard to dependent claim 4, Horvitz and Smethers do not explicitly teach, **wherein accessing the network destination comprises retrieving a three-dimensional environment corresponding to the selected bookmark media object**, however (Shuping at col. 2, lines 45-50, discloses a method including a means of rendering the various web pages are provided in a three-dimensional space).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Horvitz, discloses user input on a client device bookmarking a remote destination displayed on the client device, to include a means of storing a link to the destination, retrieving the remote associated bookmark media object, including in the display of a bookmark window, a bookmark for the destination, and the retrieved remote associated bookmark media object the retrieved remote associated bookmark media object providing a representation of the destination, and selecting the remote associated bookmark media object displayed in the bookmark window of Smethers , further to include a means of accessing the network destination comprises retrieving a three-dimensional environment corresponding to the selected bookmark media object Shuping . One of ordinary skill in the art would have been motivated to modify this combination to enabling the a means of rendering the various web pages are in a three-dimensional space networking environment (as taught by Shuping at col. 2, lines 45-50).

In regard to dependent claims 12 and 25 incorporate substantially similar subject matter as cited in claim 4 above, and are similarly rejected along the same rationale.

In regard to dependent claim 7, displaying a matrix of bookmark media objects, however as taught by Shuping at col. 5, lines 35-45, provides a configuration

to the past and current panels, wherein the panels (e.g. web pages) organized in an "m by n" matrix).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Horvitz, discloses user input on a client device bookmaking a remote destination displayed on the client device, to include a means of storing a link to the destination, retrieving the remote associated bookmark media object, including in the display of a bookmark window, a bookmark for the destination, and the retrieved remote associated bookmark media object the retrieved remote associated bookmark media object providing a representation of the destination, and selecting the remote associated bookmark media object displayed in the bookmark window of Smethers , further to include a means of displaying a matrix of bookmark media objects of Shuping . One of ordinary skill in the art would have been motivated to modify this combination to enabling the a means of rendering and display the various web pages are in m by n matrix for easy navigating of the web pages (as taught by Shuping at col. 2, lines 45-59).

(10) Response to Argument

Brief summary of prior art of records:

Horvitz discloses a web browser and a web server in accordance includes the Internet that provides utility-directed perfecting web pages into local caches (see Fig. 15A-B).

Smethers discloses REMOTE BOOKMAKING for wireless client devices (at FIG. 4-5).

Shuping provides web browsing in three-dimensional space, as such web pages at the states of current past and future rendering as thumbnail image (see Col. 2, lines 45-50).

Response to Arguments:

Beginning on page 4 of 9 of the appeal brief (hereinafter the brief), Appellant argues the following issues, which are accordingly addressed below.

Appellant argues on pages 4-9 of the brief that the resulting combinations of Horvitz, Smethers do not teach storing a link to the destination and a link to a remote bookmark media object associated with the destination on the client device (the same arguments are substantially repeated for independent claims 13, 22, 31 and 40 pending).

The examiner respectfully disagrees. The examiner respectfully notes that (Horvitz at col. 4, lines 29-45), discloses once a user, at a client computer, enters an address (e.g. a URL) of a desired web page (i.e. link number one to external site), a set containing web addresses of pages (link number two internally), are stored in local

cache at the client computer for ready access should the user next select that particular page. As successive web pages are selected by the user and displayed, the immediately prior set of files for prefetched pages can be over-written by files for a current set of prefetched pages, also (see Horvitz Fig. 15A-15B).

Appellant argues on page 6 of the brief that the resulting combination of Horvitz, Smethers do not teach display of a bookmark window, a bookmark for the destination.

The examiner respectfully disagrees. The examiner respectfully notes that (Horvitz at col. 4, lines 29-45), discloses once a user, at a client computer, enters an address (e.g. a URL) of a desired web page (i.e. link number one to external site), a set containing web addresses of pages (link number two internally), are stored in local cache at the client computer for ready access should the user next select that particular page. As successive web pages are selected by the user and displayed, the immediately prior set of files for prefetched pages can be over-written by files for a current set of prefetched pages, also (see Horvitz Fig. 15A-15B); and

furthermore (see Smethers at col. 2, lines 35- 55 through col. 3, line 55 and col. 4, lines 1-15), discloses a compact request from a wireless device to an intermediate server when requesting a document or file by selection of a bookmark and a remote server using a user interface of a wireless client device, one embodiment of the invention includes the operations of obtaining a compact bookmark identifier for a

selected bookmarked document, and transmitting a compact request including the compact bookmark identifier to a translation server.

Using the broadest interpretation, the Examiner reads the above as client device stores a compact list of bookmark identifier (i.e. only the link) while the non-compact bookmark is stored remotely at the server storage and only execute when requested by the compact of bookmark identifier remotely.

The examiner respectfully notes that, using the broadest interpretation, Horvitz and Smethers in combination with art structure is capable of performing the intended use, and then it meets the claimed limitation.

Appellant argues on page 6 and particularly on page 7 first sentence of the brief that the Examiner summarily rejects claim 13 as having the same subject matter as claim 1. In particular claim 13 discloses generate and storage of bookmark media object in the same computer environment as their corresponding network destination.

The examiner respectfully disagrees. The examiner respectfully notes that as cited in the above rejection "In regard to independent claims 13, 22, 31 and 40, incorporate substantially similar subject matter as cited in claim 1 above, and are similarly rejected along the same rationale." the Examiner uses the terms "substantially similar subject matter as cited in claim 1", rather than "having the same subject matter as claim 1" as alleged by Appellant of page 7 first sentence of the brief;

Using the broadest reasonable interpretation of the claims, wherein generate and storage of bookmark media object in the same computer environment as their

corresponding network destination would have been an obvious variant of "receiving a first user input on a client device bookmarking a remote destination displayed on the client device, in response to the first user input, storing a link to the destination and a link to a remote bookmark media object associated with the destination on the client device, receiving a second user input on the client device requesting a display of a bookmark window in response to the second user input display a bookmark window receiving a third user input on the client device, and in response to the third user input, accessing the destination storing a link to the destination, retrieving the remote associated bookmark media object, including in the display of a bookmark window, a bookmark for the destination, and the retrieved remote associated bookmark media object the retrieved remote associated bookmark media object providing a representation of the destination, selecting the remote associated bookmark media object displayed in the bookmark window" discloses in claim 1, thus provides substantially similar subject matter, and are similarly rejected along the same rationale.

Appellant argues on page 8 of the brief that the resulting combination of Horvitz, Smethers do not teach a thumbnail.

The examiner respectfully disagrees. The examiner respectfully notes that (Horvitz at col. 40, lines 1-10), discloses a user viewing main display window 1510, preview windows 1520 having separate preview windows 1520.sub.1, 1520.sub.2 and 1520.sub.3, and collaborative filtering window 1530 can interact with the browser through quite a number of ways, also (see Horvitz Fig. 15A-15B).

For further support to the above (see Shuping at col. 2, lines 60-65), discloses the plurality of past web pages is rendered as a thumbnail image.

Therefor the Examiner respectfully maintains the rejection of independent claims 1, 13, 22, 31, 40, dependent claim 22 and should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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